

ORDINANCE NO. 2269

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF GARDNER BY ADDING SECTION 14-201.7 TO RESTRICT IDLING OF VEHICLE ENGINES

Be it Ordained by the Governing Body of the City of Gardner, Kansas;

Section One: That Article 2, Section 14-201.5 be added and to read as follows:

14-201.7 SECTION VEHICLE IDLING PROHIBITED

1. Definitions.

IDLE—The motor vehicle operating mode consisting of a nonleaded, throttled engine speed at the revolutions per minute specified by the manufacturer.

MOTOR VEHICLE— any on road, self propelled vehicle that is required to be registered and have a license plate by the Department of Motor Vehicles.

PERSON—Corporations, companies, associates, societies, firms, partnerships, and joint-stock companies as well as individuals, and shall also include all political subdivisions of this state or any agencies or instrumentalists thereof.

PUBLIC AND PRIVATE PROPERTY—All real estate within the City, including Inter alia, public and private parking lots, on which a motor vehicle may be physically located except for the public streets and highways within the city.

RESTRICTED IDLING ZONES—Areas within City limits that are considered moderate to high emission zones.

2. IDLING PROHIBITED; MOTOR VEHICLES

A. No person shall cause, suffer, allow or permit the engine of a motor vehicle to idle for more than ten (10) consecutive minutes if the vehicle is one of the designated areas of limited idling zones that include:

1. Any City parking lot or city property,
2. Any City owned or operated park area including but not limited to the municipal golf course,
3. Pick-up or drop-off areas on all school property, parking lots, and commercial delivery/loading zones,
4. Commercial and Industrial delivery zones, including but not limited to private drives or area leading to the delivery zone

B. Subsection A of this section shall not apply to the following:

1. Emergency vehicles in emergency situations,
2. Motor vehicles stopped in a line of traffic,
3. Motor vehicles being repaired,
4. RV's, school buses, other modes of public transit, and charter buses
5. Temperatures below 32 degrees and in excess of 85 degrees.

C. Upon conviction of a first offense of this section, the defendant shall be fined not less than \$50.00 or nor more than \$1,000.00. Upon conviction for a second offense, within a twenty-four (24) month period, the defendant shall be fined not less than \$100.00 or nor more than \$1,000.00. Upon conviction of a third offense of this section, within a twenty-four (24) month period, the defendant shall be fined not less than \$250.00 or nor more than \$1,000.00. No portion of any minimum fine assessed pursuant to this section shall be suspended nor shall the defendant be placed on parole from any portion of the penalty assessed.

Section Two: All other ordinances of said City in conflict herewith are hereby amended to conform to the provisions of this Ordinance.

Section Three: This Ordinance shall take effect and be in force from and after passage and publication as provided by law.

PASSED and APPROVED this 5th day of May, 2008.

/s/ Carol Lehman
Carol Lehman, Mayor

ATTEST:

/s/ Teresa Anderson
Teresa Anderson, City Clerk

(SEAL)